

BUDGET PEST PREVENTION, INC.,
individually and on behalf of persons
similarly situated,

Plaintiff,

Vs.

BAYER CORPORATION; BAYER
CROPSCIENCE, L.P.; BASF
CORPORATION; ORKIN, INC.; and
THE TERMINIX INTERNATIONAL
COMPANY LIMITED PARTNERSHIP,

Defendants.

THIS MATTER is before the court on joint Motion to Defer BASF’s Motion to Sever. The motions of the parties is well taken; however, allowing a motion to linger pending resolution of what may be a highly disputed issue would cause difficulties in case management. This motion to defer will, therefore, be allowed, but such motion will be “denied without prejudice” as to refile, if need be, after resolution of the plaintiff’s Motion to Amend Complaint. Having considered joint motion and reviewed the pleadings, the court enters the following Order.

IT IS, THEREFORE, ORDERED that joint Motion to Defer BASF's Motion to Sever (#57) is **GRANTED**, and BASF's Motion to Sever (#47) is **DENIED WITHOUT PREJUDICE** as to refiling after plaintiff's Second Motion to Amend (#53) is resolved.

Signed: September 23, 2005

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

